

## **REMARKS/ARGUMENTS**

### **I. General Remarks and Disposition of the Claims**

Applicants hereby request continued examination, in accordance with 37 C.F.R. § 1.114. Applicants respectfully request that the preliminary amendments herein be entered, and further request consideration of the claims in light of the amendments and remarks contained herein.

Claims 12, 13, 15, 16, 19-25, 27, 28, and 31-35 are pending. Claims 12, 13, 15, 16, and 19-23 have been canceled herein. Claim 24 is amended herein. Claims 36-52 have been added. These amendments and new claims add no new matter to the application, and are supported by the specification as filed. All the above amendments are made in a good faith effort to place these claims in condition for allowance. Applicants reserve their right to take up prosecution on the claims as originally filed in this or an appropriate continuation, continuation-in-part, or divisional application.

### **II. Remarks Regarding the Rejections of Under 35 U.S.C. § 102(b) and § 103(a)**

#### **A. Rejections over *Briscoe***

The Examiner has rejected claims 12, 13, 15, 16, 19-25, 27, 28, and 31-35 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 4,336,145 issued to *Briscoe* (hereinafter "*Briscoe*").

With respect to these claims, the Examiner states:

*Briscoe* exemplifies liquid gel concentrates (table I) of hydroxypropylguar, water, NaOH and optionally inhibitor [sic]. The pH of the mixture is 9-14 (col 10 line 27). This envelops applicant's preferred pH range of "about 10-13" (claim 34). According to applicant (paragraph 6) this pH causes the insoluble residues to dissolve. Presumably, *Briscoe* would inherently be devoid of insoluble residues also. The concentrate can be diluted at a 1:15 ratio with additional water (col 8 line 15). In order to reverse the inhibition, acid can be added to lower the pH to 5-9 (col 7 line 40). This suggests applicant's claim 35. The pH adjustment is not always necessary (col 8 line 8).

(Office Action, page 2.) As Applicants have canceled claims 12, 13, 15, 16, and 19-23 herein, Applicants will address this rejection with respect to the remaining claims.

Applicants submit that the Examiner has not shown that *Briscoe* discloses or suggests every element as recited in claims 24-25, 27, 28, and 31-35 as required to anticipate the

claims under 35 U.S.C. § 102(b), or to obviate the claims under 35 U.S.C. § 103(a). MANUAL OF PATENT EXAMINING PROCEDURE § 2131, 2142 (hereinafter “MPEP”). In particular, *Briscoe* does not disclose or suggest every element as set forth in claim 24 because *Briscoe* does not disclose a viscous gelled treating fluid “wherein said viscous gelled treating fluid composition is substantially devoid of a water insoluble gelling agent residue and remains substantially devoid of the water insoluble gelling agent residue while in a subterranean zone.”

A gelling agent residue is produced upon the hydration of certain gelling agents. *See* present disclosure at ¶ [0004]. The present invention provides that a base is added to a treatment fluid comprising a hydrated gelling agent and the base is then allowed to dissolve the gelling agent residue that may be present in the fluid. *See* present disclosure at ¶ [0006] and [0022]. In contrast, *Briscoe* discloses adding a base and a hydration inhibitor to a gelling agent to produce “an aqueous hydration inhibited concentrate.” (*Briscoe*, col. 4, lines 40-49.) Upon reversal of the hydration inhibition of the concentrates disclosed in *Briscoe*, by adding a base and additional water, a water insoluble residue would then form, resulting in a treatment fluid that would not be substantially devoid of a water insoluble gelling agent residue. *See Briscoe*, col. 7, lines 29-57.

Furthermore, the Examiner states that “*Briscoe*’s example of 300 lb hydroxypropyl Guar, 205 lb NaOH and zero inhibitor clearly must meet claim 24. Even the inhibited examples meet claim 24 because the claims’ ‘gelled’ does not prevent some ungelled agent also being present.” (Advisory Action at 2). Applicant’s respectfully disagree because the example cited by the Examiner comprising guar and NaOH does not disclose a “hydrated gelling agent” as may be seen from the viscosity of the mixture. *See Briscoe*, Table 1. Similarly, the inhibited examples given by *Briscoe* do not disclose a “viscous gelled treating fluid” that will “remain[] substantially devoid of [a] water insoluble gelling agent residue while in a subterranean zone.”

Therefore, because *Briscoe* does not disclose a viscous gelled treating fluid “wherein said viscous gelled treating fluid composition is substantially devoid of a water insoluble gelling agent residue and remains substantially devoid of the water insoluble gelling agent residue while in a subterranean zone,” Applicants assert that independent claim 24 is not anticipated or obviated by *Briscoe*. Moreover, since “a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers,” and since

claims 25, 27, 28, and 31-35 depend, either directly or indirectly, from claim 24, these dependent claims are allowable for at least the same reasons. See 35 U.S.C. § 112 ¶ 4 (2004). Accordingly, Applicant respectfully requests the withdrawal of these rejections.

**B. Claims 12, 13, 15, 16, 19, 20, 22, 24, 25, 27, 28, 31, 32, and 34**

The Examiner has rejected claims 12, 13, 15, 16, 19, 20, 22, 24, 25, 27, 28, 31, 32, and 34 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,547,026 issued to Brannon (hereinafter "*Brannon*").

With respect to these claims, the Examiner states:

Brannon teaches guar based gels (abstract). Brannon adds 20 lbs + 100 lbs of polymer and buffer such as ammoniumhydroxide to 1000 gallons of water (col 5 line 18-25). The pH is 10-11 (col 5 line 26). The pH and polymer concentration correspond to applicant's preferred amounts (eg claims 31, 34) and therefore it is presumed that no gelling agent residue remains.

(Office Action, page 2.) As Applicants have canceled claims 12, 13, 15, 16, 19, 20, and 22 herein, Applicants will address this rejection with respect to the remaining claims. Applicants submit that the Examiner has not shown that *Brannon* discloses or suggests every element as recited in claims 24, 25, 27, 28, 31, 32, and 34 as required to anticipate the claims under 35 U.S.C. § 102(b), or to obviate the claims under 35 U.S.C. § 103(a). MPEP § 2131, 2142.

In particular, *Brannon* does not disclose or suggest every element as set forth in claim 24 because *Brannon* does not disclose a viscous gelled treating fluid "wherein said viscous gelled treating fluid composition is substantially devoid of a water insoluble gelling agent residue and remains substantially devoid of the water insoluble gelling agent residue while in a subterranean zone." Rather, *Brannon* discloses a blocking gel that would have a gelling agent residue present when the gel is placed into a subterranean zone, even though that residue may later be degraded by an enzyme breaker. (*Brannon*, col. 5, line 57 - col. 6, line 6.)

Therefore, Applicants assert that independent claim 24 is not anticipated or obviated by *Brannon*. Moreover, since "a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers," and since claims 25, 27, 28, 31, 32, and 34 depend, either directly or indirectly, from claim 24, these dependent claims are allowable for at least the same reasons. See 35 U.S.C. § 112 ¶ 4 (2004). Accordingly, Applicant respectfully requests the withdrawal of these rejections.

### **III. No Waiver**

All of Applicants' arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the *Briscoe* and *Brannon* references. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements, such as, for example, any statements relating to what would be obvious to a person of ordinary skill in the art. The example distinctions discussed by Applicants are sufficient to overcome the anticipation and obviousness rejections.

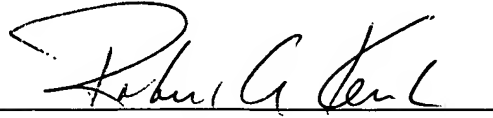
#### **SUMMARY AND PETITION FOR EXTENSION OF TIME OF ONE MONTH TO FILE THIS RCE**

In light of the above remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments, or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants hereby petition under the provisions of 37 C.F.R. § 1.136(a) for a one-month extension of time to file this RCE, up to and including July 2, 2006.

The Commissioner is hereby authorized to debit the Deposit Account of Halliburton Energy Services, Inc., No. 08-0300 in the amount of \$910.00 for the RCE fee of \$790.00 under 37 C.F.R. § 1.117(e), and for the fee for the One-Month Petition for Extension of Time to File this RCE of \$120.00 under 37 C.F.R. § 1.17(a)(1). Should the Commissioner deem that any additional fees are due, including any fees for extensions of time, Applicants respectfully request that the Commissioner accept this as a petition therefor, and direct that any additional fees be charged to the Deposit Account of Halliburton Energy Services, Inc., No. 08-0300.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert A. Kent", is written over a horizontal line.

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